

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 03-CR-20774-MORENO

UNITED STATES OF AMERICA

vs.

GILBERTO RODRIGUEZ-OREJUELA

**GILBERTO RODRIGUEZ-OREJUELA'S REPLY IN SUPPORT OF HIS TIME-
SENSITIVE COVID-19 SUPPLEMENTAL FILING**

Gilberto Rodriguez-Orejuela files this reply in support of his Time-Sensitive COVID-19 Supplemental Filing of March 16, 2020.

The Government response would have it seem that the BOP complex at Butner is perhaps the safest place to be in North Carolina during the ongoing coronavirus crisis because visits have been limited. That could not be further from the truth as it is well documented that prisons are literally the worst place that someone could be. Prison guards and employees are still coming into the prison, and if one of them spreads the virus, as is inevitable, then the sick, vulnerable, and elderly prisoners like Gilberto, will likely die. In addition:

A. On March 17 there were 45 confirmed COVID-19 cases in North Carolina, including some in Durham County, where FMC Butner is located.

B. Dr. Kimberly Powers, Associate Professor of Epidemiology at the Gillings School of Global Public Health of the University of North Carolina at Chapel Hill, predicted on March 16 that there would probably be more than 100 confirmed cases in North Carolina by the end of the week, i.e. March 21, and 1000 such by March 31. She

also noted this is a frightening and rapidly evolving situation.

C. At 81 with serious health issues, Gilberto Rodriguez-Orejuela is already at very high risk, by any standard, for the COVID-19 virus.

D. The Government position is very much at odds with the most recent White House pronouncements on the crisis.

E. Governor Cooper of North Carolina declared a state of emergency on March 10, three days before the President did the same on March 13.

F. In truth, the Government's position is callous and uncaring. Gilberto Rodriguez-Orejuela was not sentenced to death. Other prosecutors have not been so insensitive and get it. *See* the attached statement of Elected Prosecutors on Covid-19:

An outbreak of the coronavirus in these custodial facilities would not only move fast, it would potentially be catastrophic. According to the Center for Disease Control, the elderly and people with underlying medical conditions are more susceptible to falling severely ill with COVID-19. Both populations are, unfortunately, well represented among incarcerated people. People over the age of 55 make up the fastest growing demographic of those imprisoned. From 1999 to 2016, the number of people age 55 or older in state and federal prisons increased 280 percent and it is estimated that by 2030, there will be over 400,000 people in our prisons over the age of 50. Similarly, jails and prisons house disproportionately large numbers of people with chronic illnesses and complex medical needs that many facilities are already ill-equipped to treat. And at least 57 ICE detention centers have already experienced outbreaks of infectious diseases like mumps that have presented challenging health issues.

For all the above reasons and those set out in the pending motion, and our previous filings, we continue to request that the Court order the compassionate release of Gilberto Rodriguez-Orejuela under the First Step Act.

Respectfully submitted,

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